

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE:**

**MIA SIMMONS,**

**Debtor.**

**CASE NO. 20-50569-AMK**

**CHAPTER 7**

**JUDGE ALAN M. KOSCHIK**

**MOTION TO SHOW CAUSE**

Now comes the Chapter 7 Trustee Julie K. Zurn (the “Trustee”) by and through undersigned counsel, and hereby moves this Court to issue an order requiring Ronnie Holman to appear and show cause why he should not be held in contempt of Court for violating this Court’s Order Directing Ronnie Holman to Appear for Examination Pursuant to Bankruptcy Rule 2004 and Order for Production of Documents (the “Order”). Chapter 7 Trustee Julie K. Zurn states the following in support of this motion:

1. On November 5, 2020, the Trustee filed a Motion for Order Directing Ronnie Holman to Appear and Produce Documents Pursuant to Bankruptcy Rule 2004 (the “Motion”). *See* Doc. 82. On the same date, this Court granted the Motion and entered an Order Directing Ronnie Holman to Appear for Examination Pursuant to Bankruptcy Rule 2004 and Order for Production of Documents (the “Order”) that required Ronnie Holman to produce the requested documents on or before November 16, 2020 and to appear at the office of counsel for the Trustee on November 20, 2020. *See* Docket # 83.
2. Ronnie Holman was served with a true copy of the Motion, the Order and a Subpoena with a check for witness fee and mileage by certified mail on November 7, 2020. A copy of the signature card is attached as Exhibit A.
3. On November 9, 2020, Mr. Holman called the Trustee and indicated in his voicemail his intent not to appear for examination and claiming to have not received the Motion, Order, and subpoena. On November 10, 2020, Trustee returned Mr. Holman’s phone call. Mr. Holman abruptly ended the call after again indicating that he did not intend to appear and he was claiming the “fifth” anyways.
4. On November 19, 2020, Trustee filed a Notice of Adjourned 2004 Examination

changing the appearance date to November 30, 2020 at 10:30 a.m. and directing that Mr. Holman appear by video conference or telephone, rather than in person, due to the ongoing public health emergency. The Trustee mailed a copy of the Notice to Mr. Holman and left him a phone message regarding the change.

5. Ronnie Holman has not returned the Trustee's last telephone call. Ronnie Holman failed to appear at the offices of the Trustee on the original scheduled date. Ronnie Holman failed to appear by video conference or telephone on the adjourned date.
6. Mr. Holman has not provided any documents to the Trustee.

Based upon the foregoing, the Trustee hereby moves this Court to issue an order requiring Ronnie Holman to appear and show cause why he should not be held in contempt of Court for violating this Court's Order of November 5, 2020 and for such other relief as this Court deems just and proper. A proposed show cause order is attached as Exhibit B.

Respectfully submitted:

/s/ Julie K. Zurn

Julie K. Zurn (0066391)

BROUSE McDOWELL

388 South Main Street, Suite 500

Akron, Ohio 44311

330-535-5711 – phone

330-253-8601 – fax

[jzurn@brouse.com](mailto:jzurn@brouse.com)

*Attorney for Chapter 7 Trustee Julie K. Zurn*

1100444

CERTIFICATE OF SERVICE

I, hereby certify that a copy of the foregoing Motion to Show Cause was electronically transmitted on December 8, 2020 via this Court's CM/ECF system to the following who are listed on the Court's Electronic Mail Notice List:

Julie K. Zurn  
Chapter 7 Trustee

Office of the U.S. Trustee

Wilhelmina Huff, Counsel to Debtor

and to the following via regular U.S. mail on December 8, 2020:

Ronnie Holman  
1214 E. 83<sup>rd</sup> Street  
Cleveland, OH 44103

/s/ Julie K. Zurn  
Julie K. Zurn

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		A. Signature X <i>Ronnie Holman</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:  <div style="border: 1px solid black; padding: 5px; margin: 5px;"> Ronnie Holman  1214 E. 83<sup>rd</sup> Street  Cleveland, OH 44103 </div>		B. Received by (Printed Name) _____ C. Date of Delivery _____	
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
2. Article Number (Trace) 7012 1010 0002 4479 8563		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**EXHIBIT B**

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE:**

**MIA SIMMONS,**

**Debtor.**

**CASE NO. 20-50569-AMK**

**CHAPTER 7**

**JUDGE ALAN M. KOSCHIK**

**ORDER TO SHOW CAUSE**

For good cause shown, it is hereby ORDERED AND DECREED, that Ronnie Holman appear before this Court on the \_\_\_\_ day of \_\_\_\_\_, 2020 at \_\_\_\_\_, and shall explain to this Court at that time why Ronnie Holman should not be held in contempt of this Court for violating this Court's Order Directing Ronnie Holman to Appear for Examination Pursuant to Bankruptcy Rule 2004 and Order for Production of Documents.

**IT IS SO ORDERED:**

**# # #**

SUBMITTED BY:

Julie K. Zurn (0066391)  
Brouse McDowell  
388 South Main Street, Suite 500  
Akron, Ohio 44311  
330-535-5711 – phone  
330-253-8601 – fax  
jzurn@brouse.com  
*Attorney for Chapter 7 Trustee Julie K. Zurn*

NOTICES TO:

Office of the U.S. Trustee, via ECF

Chapter 7 Trustee Julie K. Zurn, via ECF

Wilhelmina Huff, Counsel for Debtor(s), via ECF

and to the following via regular mail:

Ronnie Holman  
1214 E. 83<sup>rd</sup> Street  
Cleveland, OH 44103